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Approved For Release 2002/07/12 : CIA-RDP79-00065A000200030012-3

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24 April 1952

MEMORANDUM TO: Deputy Director (Administration)

FROM : Deputy General Counsel

SUBJECT : Proposed Changes in Agency Leave Policies

1. This office was requested to comment on the Staff Study, dated 28 March 1952, same subject as above, addressed to the DD/A. While the legal aspects of the Staff Study as stated therein are substantially correct, we believe it necessary to make further clarifying comments.

2. Paragraph 3. B. (3) states that the Comptroller General, subsequent to an enactment of P.L. 233, has held that the various systems of leave in the government service are now uniform (with exceptions not pertinent here). It should be pointed out that the Comptroller General has not ruled specifically on this point although he has indicated his views as such. However, it can safely be stated that

3. In a similar vein, paragraph 4. B. states that there is currently no legal basis for making lump sum leave payments as provided by Section 14.2(b) of the Confidential Funds Regulations. A better statement of the case would be that the Lump Sum Leave Act does not authorize such payments. However, drawing upon our authorities under P.L. 110 and the responsibilities of the DCI to protect intelligence sources and methods, it can be stated that if there were cogent reasons for making a lump sum leave payment adequate authority would exist notwithstanding the Lump sum Leave Act. In discussions on this subject, there were no specific security or operational reasons advanced why the lump sum payments should be made. In such situations, we could not use the general authorities of CIA to authorize a lump sum payment.

4. The recommendation contained in 5. B. states that Section 14.2(b) of the CFR's should be amended. This office concurs with the Comptroller's

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revisions in the proposed amendment which is attached to the Staff Study. In addition, 14.3(c) which relates to leave policies for staff agents should be amended to reflect the policy set forth in 14.2(b). This could be accomplished by adding at the end of 14.3(c) the following words: "Subject, however, to the provisions of Section 14.2(b)."


Deputy General Counsel

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Distribution:

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Attachments:

- Memo fr Chief, Finance Division, to Personnel Director, 21 Mar 52
- Memo fr Comptroller to DD/A, 24 Mar 52
- Staff Study, 28 Mar 52
- Memo from Acting Personnel Director to DD/A, 31 Mar 52
- Proposed Revision of Section 14.2b of CFR's

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